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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,731	03/31/2004	Yoram Ofek	OFE 1854 9871	
20787 7590 09/05/2008 SITRICK & SITRICK 8340 N LINCOLN AVENUE SUITE 201			EXAMINER	
			DAGLAWI, AMAR A	
SKOKIE, IL 60077			ART UNIT	PAPER NUMBER
			2618	
			MAIL DATE	DELIVERY MODE
			09/05/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
Office Action Comments	10/814,731	OFEK ET AL.				
Office Action Summary	Examiner	Art Unit				
	Amar Daglawi	2618				
The MAILING DATE of this communication app Period for Reply	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1) Responsive to communication(s) filed on 23 Ma	2008					
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<del>'=</del>	/ <del></del>					
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4)⊠ Claim(s) <u>1-30 and 33-57</u> is/are pending in the a	nnlication					
	4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.						
6) Claim(s) is/are allowed. 6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) <u>1-30,33-57</u> are subject to restriction as	nd/or election requirement					
	ia/or dicohorrequirement.					
Application Papers						
9)☐ The specification is objected to by the Examiner.						
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some coll None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>						
Attachment(s)  1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413)						
2) Notice of References Cited (P10-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  Paper No(s)/Mail Date						
3) Information Disclosure Statement(s) (PTO/SB/08)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application 6) Other:						

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## **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C.
 121:

- I. Claims 1-30, 52, 33-42, drawn to a wireless system for transmitting and receiving a plurality of data packets in which the system comprises a plurality of directional antenna sectors each having a respective associated three-dimensional region of space for transmitting and receiving electromagnetic signals, classified in class 455, subclass 63.5.
- II. Claims 43-51, 53-57, drawn to how the antenna sectoring is being implemented, classified in class 343, subclass 757.
- 2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the method or process can be practiced by another and materially different apparatus such as a wireless communication system having smart antennas and comprising a plurality of wireless transmit/receive units in which in an access point based wireless local area network (WLAN), multiple stations (STAs) may be associated with a given AP at any given time. If the multiple-access scheme is Carrier sense

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multiple access collision avoidance (CSMA/CA) such as in 802.11 WLANs, any STA may transmit a data packet also called a frame to its associated STAs has transmitted a packet after the packet has been completely received and decoded based on the source address contained in the medium access control header of the packet. An AP may also be equipped with a smart antenna in order to improve the signal to noise ratio of AP-to-STA transmissions as well as STA-to-AP transmissions. The smart antenna in this context is referred to as a set of N antennas that have different radiation patterns such as by pointing in different directions or a smart antenna.

3.

- 4. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above <u>and</u> there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:
  - (a) the inventions have acquired a separate status in the art in view of their different classification;
  - (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
  - (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
  - (d) the prior art applicable to one invention would not likely be applicable to another invention;

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(e) the inventions are likely to raise different non-prior art issues under 35U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

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Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 5. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above <u>and</u> there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:
  - (a) the inventions have acquired a separate status in the art in view of their different classification;
  - (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
  - (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
  - (d) the prior art applicable to one invention would not likely be applicable to another invention;
  - (e) the inventions are likely to raise different non-prior art issues under 35U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amar Daglawi whose telephone number is 571-270-1221. The examiner can normally be reached on Monday- Friday (7:30 AM- 5:00 AM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yuwen Pan can be reached on 571-272-7855. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amar Daglawi/ Examiner, Art Unit 2618

/Yuwen Pan/ Primary Examiner, Art Unit 2618